

**SPECIAL MEETING OF THE TOWN COUNCIL  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
MONDAY, JULY 31, 2023**

**MINUTES**

**Call to Order**

Mayor Clark called the meeting to order at 6:01 p.m.

**Roll Call**

The following members were present:

Mayor Lynn Clark

Mayor Pro Tem Paul Kenney

Councilmember Randy Gibbons

Councilmember Richard DuPree

Councilmember Chris Gordon

Councilmember Ian Theodore

Also in attendance:

John M. Smith, Jr., Town Manager

Kristi K. Rogers, Town Secretary

Carey Dunn, Chief of Police

Trey Sargent, Town Attorney

**Pledge of Allegiance to the U.S. And Texas Flags**

Mayor Clark led the Pledge of Allegiance to the U.S. and Texas Flags.

**Invocation**

Councilmember Gibbons gave the invocation.

**Items of Community Interest**

There were no items of community interest.

**Public Comment**

Scott Figart, 199 Country Lane, stated he and his wife would like to dedicate land to the Town of Hickory Creek for public use which is a 175-foot segment of land that connects Oak Drive. The dedication expressly and directly benefits the Shore Haven Subdivision. He requests the council review the paperwork that will be delivered to the town later in the week and place an item on the next agenda accepting the land dedication.

Linda Figart, 199 Country Lane, stated she has concerns regarding road improvements the town wants to make on their private property. Currently they do not have legal representation. She referenced two plats approved by the town in 1998 and 2012 which depicts their private property and a 20-foot road easement. She is very interested in road improvements in the town and supports any improvement on the existing easement.

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Melissa Stone, 207 Garth Lane, stated she is here to speak on item 7. She has had the honor of serving on the Vision Committee, which serves as an advisory body to provide opinions and recommendations based on community feedback to create a vision for the Town for the next twenty to thirty years. A boat and auto showroom does not meet the vision of the citizens for the future. Limited opportunities exist to create what citizens are requesting to build the Town everyone wants for the future.

### **Consent Agenda**

1. June 2023 Council Meeting Minutes
2. May 2023 Financial Statements
3. June 2023 Financial Statements
4. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 2, Animal Control, Article 2.01, General Provisions.
5. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement with Structured Technology Solutions, LLC, concerning information technology services.
6. Consider and act on the 2023-2024 Hickory Creek Economic Development Corporation Amended Budget.

Motion made by Councilmember DuPree to approve consent agenda items 1-6 as presented, Seconded by Mayor Pro Tem Kenney.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

### **Regular Agenda**

7. Conduct a public hearing regarding a request from AWS Boats on behalf of Paul Bosco for a Special Use Permit for a showroom, dealership offices and service center, for the display, sales, leasing, rental, and service of automobiles and storage of automobiles, recreational vehicles, motorcycles and boats in the 700 block of Lake Dallas Drive and consider and act on the same. The legal description of the property is A0284A Cobb, Tr 56, A0284A Cobb, Tr 55, 58, and A0284A Cobb, Tr 57(PT), Town of Hickory Creek, Denton County, Texas.

John Smith, Town Manager, provided an overview of the request.

Mayor Clark called the public hearing to order at 6:14 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 6:14 p.m.

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Councilmember Gibbons, liaison for the Planning & Zoning Commission, provided an overview of the Planning & Zoning meeting to the Town Council.

Paul Bosco, Bosco Auto Group, answered questions from the Town Council.

The Town Council discussed the request further and provided input prior to voting.

Motion made by Councilmember Gibbons to deny the Special Use Permit for item 7, Seconded by Councilmember Theodore.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

8. Conduct a public hearing regarding a request from KSW Holding Hickory Creek, LP to amend the current PD (Planned Development) zoning designation on the tract of land legally described as The Olana at Hickory Creek, Lot 1, Block 1, Town of Hickory Creek, Denton County, Texas and consider and act on an ordinance adopting the same. The property is located at 1851 Turbeville Road.

John Smith, Town Manager, provided an overview of the amendment request.

Laura Canda Lewis, representing KSW Holding Hickory Creek, LP, provided an overview of the amendments and answered questions from the Town Council.

Motion made by Mayor Pro Tem Kenney to approve a request from KSW Holding Hickory Creek, LP to amend the current PD zoning designation on the tract of land legally described as The Olana at Hickory Creek, Lot 1, Block 1, as presented, Seconded by Councilmember DuPree.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

Motion made by Councilmember Gibbons to reconsider item 8, Seconded by Councilmember DuPree.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Theodore

Voting Nay: Councilmember Gordon. Motion passed.

Motion made by Councilmember Gibbons to approve item 8 KSW Holding PD as presented with the following conditions: restriction of deliveries within 50 feet of the property line between 7:00 am and 10:00 pm, Seconded by Mayor Pro Tem Kenney.

Motion made by Mayor Pro Tem Kenney to amend the geographic restriction on receiving deliveries to 70 feet west and 150 feet south, Seconded by Councilmember Theodore.

Voting Yea on the amendment to the motion: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

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Voting Yea on the original motion: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore.

Motion passed unanimously.

9. Consider and act on a final plat of The Olana at Hickory Creek, Lot 1, Block 1: being 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1851 Turbeville Road.

Motion made by Councilmember Gordon to approve a final plat of The Olana at Hickory Creek as presented, Seconded by Councilmember Theodore.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

10. Consider and act on a site and landscape plan for The Olana at Hickory Creek, Lot 1, Block 1: being 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1851 Turbeville Road.

Motion made by Mayor Pro Tem Kenney to approve the site and landscape plan for The Olana at Hickory Creek as presented, Seconded by Councilmember DuPree.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

11. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an easement agreement concerning certain use rights for real property located at 1851 Turbeville Road, Hickory Creek, Texas, 75065.

Motion made by Councilmember Gordon to approve the resolution subject to the Town Administrator and Town Attorney confirmation of the legal description and approval of the granting clause, Seconded by Councilmember Gibbons.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

12. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement concerning pond maintenance for a pond located at 1851 Turbeville Road, Hickory Creek, Texas 75065.

Motion made by Councilmember Theodore to approve a resolution, Seconded by Councilmember Gordon.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

13. Consider and act on acceptance of medical, dental and vision rates from Cigna; life, accidental death, short term disability and long term disability from Renaissance; first responder support from Responder Health and a supplemental benefit for an employees' household from New Benefits for employee coverage for Fiscal Year 2023-2024.

Rodney Dryden, HUB International, provided an overview of the rates for employee benefits and answered questions from the Town Council.

Motion made by Councilmember Gordon to approve acceptance of medical, dental and vision rates from Cigna; life, accidental death, short term disability and long term disability from Renaissance; first responder support from Responder Health and a supplemental benefit for an employees' household from New Benefits for employee coverage for Fiscal Year 2023-2024, Seconded by Councilmember Theodore.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

14. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas authorizing the Mayor of the Town of Hickory Creek, Texas to execute an interlocal agreement with Span, Inc. for transportation services.

Max Calder, Director of Operations, introduced Michelle McMahon, Executive Director, Kristine Herrera, Meals on Wheels Program Manager and Jona Coronado, Transportation Manager. Mr. Calder provided an overview to the Town Council of the services offered by Span which include providing nutrition and transportation to seniors, people with disabilities, veterans and other members of the public.

Motion made by Councilmember Theodore to approve a resolution of the Town Council of the Town of Hickory Creek, Texas authorizing the Mayor of the Town of Hickory Creek, Texas to execute an interlocal agreement with Span, Inc. for transportation services, Seconded by Councilmember DuPree.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

15. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, proposing a tax rate which represents the No-New-Revenue tax rate for 2023; setting a date, time and place to adopt the 2023 tax rate.

Motion made by Councilmember Theodore to approve a resolution of the Town Council of the Town of Hickory Creek, Texas, proposing a tax rate of 0.236686 per \$100 valuation which represents the No-New-Revenue tax rate for 2023 setting a date of Wednesday, September 6, 2023 at 6:00 p.m. at Town Hall to adopt the tax rate, Seconded by Councilmember DuPree.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

16. Discussion regarding the 2023-2024 Fiscal Year Budget.

Discussion was held regarding the 2023-2024 Fiscal Year Budget.

17. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas setting a date, time and place for a public hearing on the 2023-2024 Fiscal Year Proposed Budget; setting a date, time and place to adopt the budget.

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Motion made by Mayor Pro Tem Kenney, to approve a resolution of the Town Council of the Town of Hickory Creek, setting a date time and place for a public hearing on the 2023-2024 Fiscal Year Proposed Budget for August 28, 2023 at 6:00 p.m. at Town Hall to adopt the budget, Seconded by Councilmember Theodore.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

18. Discussion regarding the scope and fee proposal from Halff Associates, Inc. for the Pratt Property Interpretive Trail Master Plan.

Dinah Stults, 24 Hickory Hills Boulevard, Parks and Recreation Board Member, stated the proposal seems very complex. In her opinion, engineering is not needed now for natural trails, outdoor activities and training, but could be in the future.

Discussion was held regarding the scope and fee proposal from Halff Associates, Inc. for the Pratt Property Interpretive Trail Master

19. Consider and act on allocating funds for spray foam installation in the town hall facility.

John Smith, Town Manager, provided an overview of the process to install spray foam and quotes submitted.

Motion made by Councilmember Theodore to allocated funds for spray foam installation in the Town Hall facility, utilizing the company iFoam in an amount not to exceed \$18,500.00, Seconded by Councilmember Gordon.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

20. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 1, General Provisions, by supplementing Town Officer titles.

Motion made by Councilmember Gibbons to approve item 20 an ordinance of the Town Council amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 1, General Provisions, by supplementing Town Officer titles to also include Town Manager, Seconded by Councilmember DuPree.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

21. Receive update from Chief Dunn concerning police department activity since the March council meeting and discuss same.

Chief Dunn provided July statistics regarding the Traffic Initiative this summer in cooperation with the City of Corinth, City of Denton, City of Lake Dallas and City of Lewisville. Chief Dunn and John Smith, Town Manager, will visit schools and businesses in the coming weeks. Nine ballistic shields have been received for the department with grant funds applied for by Chief Dunn.

22. Discussion regarding status of broadband infrastructure.

Discussion was held regarding the status of broadband infrastructure.

### **Executive Session**

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 9:15 p.m. to discuss the following matters.

### **Section 551.071**

Consultation with Attorney on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, or on matters pertaining to pending or contemplated litigation.

23. Discuss legal obligations arising from potential changes to method of accounting for leave for Town employees.

### **Section 551.074**

Personnel matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee.

24. Town Administrator

### **Reconvene into Open Session**

The Town Council reconvened into open session at 10:39 p.m.

25. Discussion and possible action regarding matters discussed in executive session.

No action taken.

### **Future Agenda Items**

The following items were requested: street address for Pratt Property and overhead power lines.

### **Adjournment**

Motion made by Mayor Pro Tem Kenney to adjourn the meeting, Seconded by Councilmember Theodore.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

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The meeting did then stand adjourned at 10:43 p.m.

Approved:

Attest:

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Lynn C. Clark, Mayor  
Town of Hickory Creek

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek